

## Department of Permitting and Inspections

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## MEMORANDUM

**To:** The Design Advisory Board  
**From:** Ryan Morrison, Associate Planner  
**RE:** ZP21-0517CA; 178 Locust Terrace  
**Date:** December 8, 2020

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**File:** 21-0517CA  
**Location:** 178 Locust Terrace  
**Zone:** RL **Ward:** 5S  
**Parking District:** Neighborhood  
**Date application accepted:** November 13, 2020  
**Owner / Applicant:** Dawn & Darren Moskowitz / Shawn Sweeney  
**Request:** Replace a single hung window with a triple mulled window unit on a historic residential structure.

### Background:

- **Zoning Permit 21-0373CA;** rear mudroom and screened-in porch addition, replacement windows. October 2020.

**Overview:** The applicant proposes to replace a single hung window on the side of the existing single family residence with a triple mulled window unit. This particular window is on the south side of the house, first level, and can be seen from the public street and neighboring properties.

The home, built c. 1956, is listed as a contributing historic resource within the Five Sisters Neighborhood Survey Report (2008). Because of this historic status, the proposed alteration to the existing window appearances triggers the review criteria of Sec. 5.4.8 Historic Buildings and Sites.

### Part 1: Land Division Design Standards

No land division is proposed as part of this application. Not applicable.

### Part 2: Site Plan Design Standards

#### Sec. 6.2.2 Review Standards

##### (a) Protection of Important Natural Features:

No changes to the site are proposed.

##### (b) Topographical Alterations:

No topographical alterations are proposed.

**(c) Protection of Important Public Views:**

There are no protected important views from or through this property. Not applicable.

**(d) Protection of Important Cultural Resources:**

*Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).*

See Section 5.4.8, below.

**(e) Supporting the Use of Renewable Energy Resources:**

No part of this application precludes the use of wind, solar, water, geothermal or other renewable energy resource.

**(f) Brownfield Sites:**

This address is not listed on the Vermont DEC website for identified Brownfields.

**(g) Provide for nature's events:**

*Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.*

*Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.*

The covered front entry will remain as-is.

**(h) Building Location and Orientation:**

No changes proposed.

**(i) Vehicular Access:**

Access will remain as existing, a driveway off Locust Terrace.

**(j) Pedestrian Access:**

Pedestrian access will remain as-is.

**(k) Accessibility for the Handicapped:**

The building inspector has jurisdiction over ADA requirements. By his direction and per Chapter 8 of the Burlington Code of Ordinances, 4 to 14 units must provide 1 accessible unit.

**(l) Parking and Circulation:**

Parking and circulation will remain as-is.

**(m) Landscaping and Fences:**

No new landscaping or fencing is proposed.

**(n) Public Plazas and Open Space:**

There are no public plazas required.

**(o) Outdoor Lighting:**

*Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.*

No changes to exterior lighting are proposed.

**(p) Integrate infrastructure into the design:**

*Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.*

*Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.*

*Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.*

No new, or revisions to, existing infrastructure are proposed.

**Part 3: Architectural Design Standards**

**Sec. 6.3.2 Review Standards**

**(a) Relate development to its environment:**

**1. Massing, Height and Scale:**

Not applicable. No changes are proposed.

**2. Roofs and Rooflines.**

Not applicable. No roofing changes are proposed.

### **3. Building Openings**

The proposed change to the south side of the home (first story) will see the existing single hung window replaced with a triple mulled window unit. A zoning permit was recently approved to replace several other windows on the house, but those replacement windows do not change the appearance or the configuration of the existing windows, with the exception of the infill of one window to accommodate the placement of a new kitchen stove. No other changes are proposed.

#### **(b) Protection of Important Architectural Resources:**

*Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.*

See Section 5.4.8, below.

#### **(c) Protection of Important Public Views:**

There are no protected important views from this property. Not applicable.

#### **(d) Provide an active and inviting street edge:**

No changes are proposed that would alter the active and inviting street edge.

#### **(e) Quality of materials:**

*All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.*

The applicant proposes full wooden-cored windows, which are an acceptable and required window material (wood) for contributing historic structures.

#### **(f) Reduce energy utilization:**

All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

#### **(g) Make advertising features complementary to the site:**

No signage is proposed or anticipated for the existing single family use.

#### **(h) Integrate infrastructure into the building design:**

See Section 6.2.2. (p), above.

**(i) Make spaces secure and safe:**

Redevelopment is subject to all applicable building and life safety codes as defined by the Burlington's Building Inspector and the Fire Marshal.

**Sec. 5.4.8 Historic Buildings and Sites**

*The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:*

- *To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;*
- *To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;*
- *To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,*
- *To promote the adaptive re-use of historic buildings and sites.*

**(a)Applicability:**

*These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.*

*As such, a building or site may be found to be eligible for listing on the state or national register of historic places and subject to the provisions of this section if all of the following conditions are present:*

1. *The building is 50 years old or older;*
2. *The building or site is deemed to possess significance in illustrating or interpreting the heritage of the City, state or nation in history, architecture, archeology, technology and culture because one or more of the following conditions is present:*
  - A. *Association with events that have made a significant contribution to the broad patterns of history; or,*
  - B. *Association with the lives of persons significant in the past; or,*
  - C. *Embodiment of distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant or distinguishable entity whose components may lack individual distinction; or,*
  - D. *Maintenance of an exceptionally high degree of integrity, original site orientation and virtually all character defining elements intact; or,*
  - E. *Yielding, or may be likely to yield, information important to prehistory; and,*
3. *The building or site possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association*

The home at Locust Terrace is listed as a contributing structure within the Five Sisters Neighborhood Survey (2008). See attached listing sheet. Therefore, the standards of Section 5.4.8 apply to the replacement windows.

**(b) Standards and Guidelines:**

*The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.*

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The property will continue its historic residential use.

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The proposal will alter the existing window pattern on the first floor (south side) of the historic structure. This represents a conflict with the historic preservation standards of this section and is a visible change to the historic character of the property.

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The proposal does not involve changes that create a false sense of historic development.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

No such changes are proposed.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

As noted above, a permit was obtained recently to replace several windows on the home with windows of the same size and appearance. That application also included the proposed window replacement under consideration here, but for purposes of moving work along, the applicant opted to submit a second application specifically for this window replacement due to the additional review required for historic preservation purposes.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that*

*new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

Not applicable. No claim of deterioration is mentioned here in this application.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No chemical or physical treatments are proposed. Not applicable.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

There are no identified archaeological resources at this location. Not applicable.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

The spatial relationship and feature of the subject window will clearly be altered, thus conflicting with these historic preservation standards. The overall goal here is to maintain original appearances and materials, and going from a single hung window to a triple mulled unit strays from that goal. It must be noted, however, that there are several double mulled window units on nearby homes – see attached Google Maps image). The DAB should determine whether or not this change will be a detriment to the historic character of the structure.

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Not applicable.

#### **Items for the Board's consideration:**

- Is the proposed change from a single hung window to a triple mulled unit warranted, and will it diminish a historic characteristic of the structure.
- A similar request was recently heard by the DAB to replace a triple mulled window unit with a single picture window, albeit of the same size as the triple mulled unit. This was on a State Historic Register home at 20 Ludwig Court (that application can be seen here - <https://www.burlingtonvt.gov/DPI/DAB/Agendas> – July 28, 2020 DAB meeting packet). The DAB voted unanimously to recommend denial based on the change to the existing window appearance, but did approve of a triple mulled casement window unit (with horizontal dividing bars to replicate the appearance of double hung windows).